
Public Utilities Commission of the State of California

Results of Public Agenda 3091

Meeting Held on Wednesday, July 17, 2002 10:00 a.m.

San Francisco, California

Commissioners

Loretta M. Lynch, President (Present)

Geoffrey F. Brown (Present)

Henry M. Duque (Present)

Michael R. Peevey (Present)

Carl W. Wood (Present)

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, August 05, 2002 (San Francisco)	Thursday, August 08, 2002 (San Francisco)
Monday, August 19, 2002 (San Francisco)	Thursday, August 22, 2002 (San Francisco)
Friday, August 30, 2002 (San Francisco)	Thursday, September 05, 2002 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
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Public Comment:

Re CR-1:

George "Butch" Zein, Oakland

John L. Darby, San Francisco

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

CA-1

Res TL- 19007

654

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-2

Res ALJ-176-3091

655

Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-3
687**

I99-10-024 - Investigation of USP&C to determine whether it has violated Public Utilities Code Section 2889.9 by failing to provide Commission staff with requested information and whether the Commission should order California telephone companies to cease providing billing and collection services to USP&C.

This decision denies claim for intervenor compensation for contributions to D01-04-036. The claimants, the Greenlining Institute and Latino Issues Forum, did not make a substantial contribution to the decision.

(Comr Brown - ALJ Bushey)

(Agenda 3090, Item CA-7 6/27/2002)

Outcome Signed

[D02-07-008](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-4
691**

C00-04-029 - George M. Sawaya (Complainant) vs. MCI Telecommunications Corp., a.k.a. MCI WorldCom and MCI WorldCom, Inc.

This decision grants the request of Complainant for intervenor compensation for his substantial contribution to D01-11-017. As adjusted, the amount awarded Complainant is \$3,148.29. This proceeding is closed.

(Comr Wood - ALJ Prestidge)

(Agenda 3090, Item CA-10 6/27/2002)

Outcome Held (8/8/02 Consent Agenda)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5
710****A99-10-027 - Arrowhead Manor Water Company, Inc. (Arrowhead).**

Application for a general rate increase. I00-03-016 - Related matters. The Commission finds that Arrowhead has been unable or unwilling to adequately serve its ratepayers, and has been unresponsive to the rules and orders of the Commission. The Commission's General Counsel is directed to petition the Superior Court of San Bernardino County to appoint a receiver for Arrowhead's water system in accordance with Public Utilities Code Section 855. Arrowhead is authorized a general rate increase of \$47,815 (16.8%), and a Safe Drinking Water Bond Act (SDWBA) loan surcharge is reinstated. Arrowhead has improperly diverted SDWBA surcharge funds, but also has an uncollected balance in its purchased water balancing account; the two amounts are applied to offset and discharge one another. All penalties imposed by the Department of Water Resources for failure to make timely SDWBA loan payments are not recoverable from ratepayers. These proceedings are closed.

(Comr Brown - ALJ McVicar)

(Agenda 3090, Item CA-12 6/27/2002)

Outcome Signed

[D02-07-009](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-6
726****C02-01-039 - Gerald W. Utterback (Complainant) vs. Pacific Bell Telephone Company (Pacific).**

Complainant objects to a change in his telephone number from the Vacaville Exchange to the Dixon Exchange and asks that the Commission consider moving the Local Access and Transport Area boundary between the two exchanges. Pacific moves to dismiss on grounds that the Commission has decided the same issues in a case brought by two of complainant's neighbors (D01-12-031).

Complainant has declined an invitation to respond to the motion to dismiss. This decision finds that the Commission has no choice but to dismiss. The complaint is barred by Pub. Util. Code § 1709 (collateral actions or proceedings) and it fails to state a cause of action. This proceeding is closed.

(Comr Brown - ALJ Walker)

Outcome Signed

[D02-07-010](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-7**
730 **A02-03-019 - California-American Water Company (Cal-Am).**
Denies Cal-Am's request to establish a memorandum account for its security expenditures incurred subsequent to September 11, 2002. This proceeding is closed.
(Comr Brown - ALJ Galvin)
Outcome Signed
[D02-07-011](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-8**
735 **I01-08-029 - Order Instituting Investigation into Southern California Edison Company's electric line construction, operation and maintenance practices.**
This decision extends the 12-month statutory deadline pursuant to Public Utilities Code Section 1701.2(d) until further order.
(Comr Duque - ALJ Econome)
Outcome Signed
[D02-07-012](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-9**
736 **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for Local Exchange Service.**
I95-04-044 - Related matters. This decision denies the City of Riverside Petition for Modification/Clarification of D98-10-058, regarding those sections of the Decision that relate to the Commission's "administrative adjudication process" for rights-of-way disputes between facilities-based telecommunications carriers and local governmental entities. The City seeks to apply the Decision to include nondominant interexchange carriers.
(Comr Peevey - ALJ Pulsifer)
Outcome Held (8/22/02 Consent Agenda)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
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**CA-10
739****A00-05-027 - Southern California Edison Company (Edison).**

This decision dismisses the application, without prejudice, of Edison for authority to divest its remaining sulfur dioxide (SO₂) allowances. This proceeding is closed.

(Comr Duque - ALJ Brown)

Outcome Signed

[D02-07-013](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-12
766****Res T-16659 - Citizens Telecommunications Company of Tuolumne (CTC-Tuolumne).**

This resolution authorizes CTC-Tuolumne promotional filings to be effective in no less than five days after regular notice. (Advice Letter No. 96 filed April 12, 2002).

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-13
767****Res T-16660 - Citizens Telecommunications Company of Golden State (CTC-Golden State).**

This resolution authorizes CTC-Golden State promotional filings to be effective in no less than five days after regular notice. (Advice Letter No. 100 filed April 12, 2002).

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-14**
(Rev.)
768
- C00-07-012 - Marcella Beagle vs. Pacific Bell.**
- C00-07-015 - Related matters. This decision addresses whether: (1) funds held on deposit in C99-03-016 were improperly distributed to Pacific Bell (Pacific); (2) Complainant's debt to Pacific is extinguished because Pacific mailed requests for payment to an erroneous address; (3) Complainant and her representative filed frivolous and derogatory complaints; and (4) if so, the Commission should impose sanctions for violating Rule 1 of the Commission's Rule of Practice and Procedure. These proceedings are closed.
- (Comr Wood - ALJ DeUlloa)
- 07/16/2002 - This revision was not shown on the Agenda mailed to the public.
- Outcome Signed**
- [D02-07-014](#)
- Yes: (Brown, Duque, Lynch, Peevey, Wood)
- No: (none)
- Abstain: (none)
- Absent: (none)
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- CA-15**
774
- I00-08-003 - Order instituting investigation into the gas procurement ratemaking practices of San Diego Gas and Electric Company.**
- This decision modifies D01-11-011 to award Latino Issues Forum an additional \$663.75 compensation. This proceeding is closed.
- (Comr Brown - ALJ Cooke)
- Outcome Signed**
- [D02-07-015](#)
- Yes: (Brown, Duque, Lynch, Peevey, Wood)
- No: (none)
- Abstain: (none)
- Absent: (none)
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- CA-16**
787
- A01-11-007 - Catalina Explorer Co., Inc. (Explorer).**
- The Commission grants the application Explorer for authority to extend its operating authority to include scheduled service between Long Beach and Avalon, Santa Catalina Island, and unscheduled service between Long Beach and all points on Santa Catalina Island, along with common carrier authority to carry baggage and similar items between all these points. Exercise of this authority is conditioned upon notice to the public of limitations of the service and upon Explorer obtaining local approval for docking and parking. This proceeding is closed.
- (Comr Peevey - ALJ Walker)
- Outcome Signed**
- [D02-07-016](#)
- Yes: (Brown, Duque, Lynch, Peevey, Wood)
- No: (none)
- Abstain: (none)
- Absent: (none)
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**CA-17
796****C01-07-034 - Mike Knell, dba JTR Publishing vs. Pacific Bell Telephone Company and AT&T Communications of California, Inc.**

This decision extends the 12-month statutory deadline pursuant to Public Utilities Code Section 1701.2(d) to November 30, 2002.

(Comr Brown - ALJ Grau)

Outcome Signed

[D02-07-017](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-18
797****Res L-300 - California Public Utilities Commission.**

This resolution authorizes disclosure of the investigative reports by Consumer Services Division (Utilities Safety Branch) concerning electric incident 20010907-01. A fire that occurred on September 6, 2001 in the vicinity of Yankee Hill in Butte County.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-19
812****A02-04-014 - Mpower Communications Corp. (Mpower).**

For approval of a transaction pursuant to Pub. Util. Code § 854. This order authorizes Mpower and its parent, Mpower Holding Corporation to transfer control from Mpower holding's existing shareholder to new shareholders pursuant to an action initiated by Mpower holding under Chapter 11 of the United States Bankruptcy Code. This proceeding is closed.

(Comr Peevey - ALJ Evans)

Outcome Signed

[D02-07-018](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-20
813****C01-01-032 - Enron Energy Services, Inc. and Enron Energy Marketing Corp.,
(Complainants) vs. Pacific Gas and Electric Company.**

C01-01-051, C01-03-001 - Related matters. This decision extends the 12-month deadline imposed by Section 1701.2(d) to permit the parties to try to resolve these complaints without a formal hearing. (Comr Wood - ALJ Barnett)

Outcome Signed

[D02-07-019](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-21
815****Res W-4340 - Havasu Water Company (HWC).**

This resolution authorizes HWC an offset rate increase for increases in the cost of purchased water of \$8,425 or 8.3% in additional revenue.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-23
817****Res W-4342 - Big Hill Water Company (BHWC).**

This resolution authorizes BHWC an increase in rates producing additional annual revenue of \$58,632 or 41% for test year 2002, and a monthly surcharge of \$12.83 per customer for 48 months to recover \$181,117 in unanticipated water treatment expenses for an overall annual increase in revenue of \$103,911 or 72.6%.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-24
818****C99-04-046 - Pacific Bell (Pacific) vs. FirstWorld Communications, Inc., FirstWorld SoCal (FWSC), FirstWorld Orange Coast, FirstWorld SGV.**

In this complaint proceeding, Pacific alleged that, by virtue to its letter of agreement (LOA) with the owners, FWSC was the exclusive provider of service at The Block at Orange (Block), a shopping mall. Pacific also alleged that FWSC was the beneficiary of better terms of access to Block than Pacific was offered, in violation of D98-10-058 and D92-01-023. Pacific asked that FWSC be ordered to renegotiate the LOA so that FWSC would not have the ability to exclude Pacific from serving customers at Block. By D02-05-045, the Commission revoked FWSC's certificate of public convenience and necessity. The LOA no longer exists, and FWSC no longer provides service to Block. Therefore, since the causes of action no longer exist, the proceeding is dismissed. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

Outcome Signed

[D02-07-020](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-25
819****A02-04-042 - North By NortheastCom, LLC (Applicant).**

This decision grants the Applicant's request for a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

Outcome Signed

[D02-07-021](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-26
820****A02-04-028 - ECI Communications, Inc. dba ITS Network Services (Applicant).**

This decision grants the Applicant's request for a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

Outcome Signed

[D02-07-022](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

- CA-27**
822 **Res ST-56 - San Francisco Municipal Railway (Muni).**
This resolution grants Muni authority to deviate from the side clearance requirements between light rail trains on adjacent tracks prescribed by General Order 143-B, Section 9.06, c.(1) for the construction and operation of its proposed Third Street light rail line.
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-28**
824 **Res T-16670 - Pacific Bell Telephone Company (Pacific).**
This resolution approves a Resale Agreement between Pacific and 24/7 Communications, Inc., in accordance with the Provisions of General Order 96-A and Resolution ALJ-181.
(Advice Letter 22873 filed April 29, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-29**
825 **Res T-16672 - Verizon California Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and Navigator Telecommunications, LLC, in accordance with the provisions of General Order 96-A and Resolution ALJ-181.
(Advice Letter 10089 filed May 1, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-30**
826 **Res W-4341 - Del Oro Water Company, Inc., Paradise Pines District.**
This resolution cancels the existing purchased water surcharge of \$0.169 per Ccf as authorized in Resolution W-4286 and authorizes a new memorandum account to track the cost of purchased water required to meet the 2002 summer demand.
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**CA-31
831****A02-06-026 - Pacific Gas and Electric Company (PG&E).**

This decision authorizes PG&E, under Pub. Util. Code Section 851, to grant an easement to Suisun City to allow the city to construct a bicycle and pedestrian lane. This proceeding is closed.

(Comr Peevey - ALJ Cooke)

Outcome Signed

[D02-07-023](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-32
832****A02-04-032 - OCMC, Inc. (OCMC) and One Call Communications, Inc. (One Call).**

This decision approves the acquisition by OCMC, an Indiana corporation authorized to do business in California, of the assets and customer base of One Call, and the transfer to OCMC of One Call's certificate of public convenience and necessity to provide interexchange services. This proceeding is closed.

(Comr Duque - ALJ Ryerson)

Outcome Signed

[D02-07-024](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-34
(Rev.)
835****A02-04-044 - Phillips Petroleum Company (Phillips Petroleum) and ConocoPhillips.**

This decision authorizes the requested transfer of control of Union Pipeline Company from Phillips Petroleum to ConocoPhillips. This proceeding is closed.

(Comr Peevey - ALJ Minkin)

07/12/2002 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[D02-07-025](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-35
836****A01-12-033 - Pacific Gas and Electric Company (PG&E).**

This decision approves the application of PG&E for Commission approval for two irrevocable licenses for use of Optical Fiber, Utility Support Structure and Equipment Sites to IP Networks, Inc. This proceeding is closed.

(Comr Lynch - ALJ Prestidge)

Outcome Signed

[D02-07-026](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-36
838****A02-03-064 - San Diego Gas & Electric Company (SDG&E).**

This decision grants SDG&E's request to sell four lots to Broadway Tower 655 LLC in exchange for relocating the Harbor Substation and cash. The treatment of any gain on sale is deferred to another proceeding. This proceeding is closed.

(Comr Lynch - ALJ Galvin)

Outcome Signed

[D02-07-027](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-37
(Rev.)
727****A00-07-016 - Ursus Telecom Corporation (Ursus) and Latin American Enterprises, Inc. (LAE).**

This decision dismisses the joint application of Ursus and LAE seeking nunc pro tunc approval of a transfer of control of LAE to a wholly-owned subsidiary of Ursus. Based on the information supplied by the applicants, LAE was not and is not doing business in California as contemplated by Public Utilities Code § 854. LAE's certificate of public convenience and necessity is revoked. This proceeding is closed.

(Comr Lynch - ALJ Wong)

07/10/2002 - This item appeared as (1) on the agenda distributed to the public.

Outcome Signed

D02-07-028

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-38
(Rev.)
728**

R01-03-023 - Order Instituting Rulemaking into whether the curtailment and diversion priorities for noncore natural gas customers in the service territories of Pacific Gas and Electric Company, and Southern California Gas Company should be changed.

This decision declines to set gas allocation priorities based on an electric generator's heat rate. This proceeding is closed.

(Comr Peevey - ALJ Sullivan)

07/10/2002 - This item appeared as (2) on the agenda distributed to the public.

Outcome Signed

[D02-07-029](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Utility and Transportation Orders *Orders Held Over*

H-1 (Rev.) A99-12-012 - MCI WorldCom, Inc. (MCI) and Sprint Corporation (Sprint).**34**

For approval to transfer control of Sprint's California operating subsidiaries to MCI. This decision grants intervenor compensation to three intervenors who participated in developing the record of this proceeding, as follows: The Utility Reform Network: \$84,616.04, a reduction of \$10,019.00 from its requested amount of \$94,635.04; The Utility Consumers' Action Network: \$31,362.18, a reduction of \$10,915.63 from its requested amount of \$42,277.81; The Greenlining Institute/Latino Issues Forum: \$126,096.46, a reduction of \$73,824.54 from its requested amount of \$199,921.00. This proceeding is closed.

(Comr Lynch - ALJ Thomas)

(Agenda 3080, Item CA-4 1/23/2002; Agenda 3082, Item H-15 2/21/2002)

07/11/2002 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[D02-07-030](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

H-2 A00-12-026 - Pacific Gas and Electric Company (PG&E).**38**

For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This decision grants PG&E authority to convert nine of the 13 license agreements into lease agreements. The remaining four agreements will be addressed in a future decision after further review of the agreements' compliance with Section 851 and the California Environmental Quality Act.

(Comr Lynch - ALJ Kenney)

(Agenda 3080, Item CA-9 1/23/2002; Agenda 3090, Item H-1 6/27/2002)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-2a
854****ALTERNATE TO ITEM 38**

For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. The alternate decision finds that the agreements are, in effect, licenses and therefore Public Utilities Code Section 851 is not applicable.

(Comr Duque)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-3
93****A98-12-005 - GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).**

GTE to transfer and Bell Atlantic to acquire control of GTE's California utility subsidiaries which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision concerns awards for substantial contributions to D00-03-021. The decision modifies D01-09-045 by adding response to comments on the ALJ's draft decision. This proceeding is closed. (Agenda 3073, Item CA-26, 10/10/01).

(Comr Duque - ALJ Kotz)

(Agenda 3080, Item CA-24 1/23/2002; Agenda 3090, Item H-2 6/27/2002)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-4
169****A99-08-021 - Pacific Fiber Link, L.L.C.**

For modification of its certificate of public convenience and necessity to review proponent's environmental assessment for compliance with the California Environmental Quality Act. In this decision, the Commission is asked to decide whether penalties should apply to telecommunications carrier that began trenching and installing a fiber optic project in 1998 before it received the formal approval of this Commission under the California Environmental Quality Act (CEQA), Pub. Resources Code Sections 21000-21176. The utility in July 1999 was ordered by this Commission to stop work until it obtained formal CEQA approval six months later. Because the Commission in 1998 had no procedure in place for conducting a CEQA review for the type of utility involved, and because the utility was led to believe by Commission staff that an administrative CEQA approval was forthcoming, and because the utility itself retained environmental experts to monitor and direct its work, we conclude that, in the facts and circumstances of this case, no further sanctions are warranted. The staff appeal of the Presiding Officer's decision is denied. This proceeding is closed. (Agenda 3071, Item 5, 9/20/01).

(Comr Duque - ALJ Walker)

(Agenda 3084, Item H-3 3/21/2002; Agenda 3090, Item H-4 6/27/2002)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-4a
731****ALTERNATE TO ITEM 169**

This order finds the Pacific Fiber Link violated Rules 17.1 and 28, as well as Section 702 of the Public Utilities Code and fines the Company \$378,000.

(Comr Wood)

(Agenda 3090, Item H-4a 6/27/2002)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-5
620****A01-06-041 - Sierra Pacific Power Company (Sierra).**

For an order authorizing an immediate interim rate increase, subject to refund and for consideration of a rate stabilization plan. This decision authorizes Sierra to raise its rates by 2¢/kWh. This interim rate increase is granted subject to refund, pending a final determination on its rate stabilization plan. It is found that Sierra's California operations had a negative rate of return in 2001 and will have a negative rate of return in 2002 absent a rate increase.

(Comr Lynch - ALJ Barnett)

(Agenda 3089, Item 2 6/6/2002; Agenda 3090, Item H-9 6/27/2002)

Outcome Signed (Comr. Lynch will file a dissent)

D02-07-031

Yes: (Brown, Duque, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

**H-6
623****R93-04-003 - California Public Utilities Commission.**

Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for Network Architecture Development of Dominant Carrier Networks.

I93-04-002 - Related matters. This decision adopts permanent Unbundled Network Element rates for the High Frequency Portion of the Loop (HFPL) for both Pacific Bell Telephone Company (Pacific) and Verizon California Inc. (Verizon). The decision finds that establishing a separate rate for the HFPL allows Pacific and Verizon to over-recover their loop costs, since they currently recover the full cost of the loop through rates for the unbundled loop. Pacific and Verizon are required to return HFPL revenues to ratepayers through a surcredit on residential and business basic exchange customers bills.

(Comr Wood - ALJ Jones)

(Agenda 3089, Item 3 6/6/2002)

Outcome Held (8/8/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-7
656****A98-07-003 - Pacific Gas and Electric Company.**

For verification, consolidation, and approval of costs and revenues in the Transition Revenue Account. This decision authorizes Southern California Edison Company (SCE) to establish a Historical Procurement Charge to recover a portion of the approximately \$4 billion settlement in the Federal Court case between SCE and this Commission. The charge is applicable to Direct Access customers and is computed by reducing by 2.5¢/kWh the generation credit due the Direct Access customer. This proceeding is closed.

(Comr Wood - ALJ Barnett)

(Agenda 3090, Item 2 6/27/2002)

Outcome Defeated

Yes: (Wood)

No: (Brown, Duque, Peevey)

Abstain: (Lynch)

Absent: (none)

**H-7a
837****ALTERNATE TO ITEM 656**

This alternate concludes that Direct Access customers are responsible for \$391 million in Historic Procurement Charges (HPC) to Southern California Edison Company (SCE). SCE is authorized to establish a HPC and apply it to Direct Access customers by reducing the Direct Access customers' generation credit by 2.7¢/kWh until the implementation date of a decision addressing the direct access cost responsibility surcharge. On that date, the HPC will be reduced to 1.0 ¢/kWh until such time as the \$391 million is collected.

(Comr Brown, Comr Peevey)

Outcome Signed as Modified ((Items H-7 & H-7a were on the Held List posted on the Web. Upon a motion by Comr. Peevey the Commission voted 3-2 to not hold H-7 & H-7a. Pres. Lynch and Comr. Wood dissented.) Comr. Lynch reserves the right to file a dissent. Comr. Wood reserves the right to file a dissent)

D02-07-032

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-8
703 R97-08-001 - Rulemaking on the Commission's own motion to consider adoption of rules applicable to interexchange carriers for the transfer of customers including establishing penalties for unauthorized transfer.**

I97-08-002 - Related matters. This decision modifies the hourly rates for attorneys Brown and Gnaizda, but denies the remainder of the Petition for Modification of D01-09-011 filed by Latino Issues Forum and Greenlining Institute on the grounds that the Commission is not persuaded to modify the decision.

(Comr Brown - ALJ Bushey)

(Agenda 3090, Item 4 6/27/2002)

Outcome Held (8/8/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-9
706 A01-01-021 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).**

This decision authorizes SoCalGas and SDG&E to consolidate their gas supply portfolios and management of gas acquisition; to review rules for noncore customers to procure gas; to permit core-customers of wholesale customer to obtain gas on the same terms as core customers of the utilities, provided that reacquired El Paso capacity will be assigned to the consolidated gas supply portfolio; and permits the consolidated management to provide tolling service to SDG&E. This proceeding is closed.

(Comr Duque - ALJ Barnett)

(Agenda 3089, Item 7 6/6/2002; Agenda 3090, Item H-11 6/27/2002)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-9a
707 ALTERNATE TO ITEM 706**

This decision declines to authorize consolidation of Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company's gas supply portfolios and management of gas acquisition, and provides wholesale customers of SoCalGas and other gas utilities that serve core customers to have first option to SoCalGas' El Paso interstate capacity that reverts to SoCalGas control before 2006.

(Comr Lynch)

(Agenda 3089, Item 7a 6/6/2002; Agenda 3090, Item H-11a 6/27/2002)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

-
- H-10
709** **A00-10-045 - San Diego Gas & Electric Company (SDG&E).**
For an order implementing Assembly Bill 265. A01-01-044 - Related matters. This order addresses SDG&E's motions for reconsideration by the full Commission of the Assigned Commissioner's Ruling directing (1) Service of Documents and (2) Filing of Notice of Ex Parte Communication, and for issuance of an immediate stay of said ruling.
(Comr Wood - ALJ Wetzell)
(Agenda 3089, Item 8 6/6/2002)
Outcome Held (8/22/02)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-11 (Rev.)
712** **R01-08-027 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing low-income assistance programs.**
This decision adopts penetration goals for the California Alternate Rates For Energy (CARE) program, adopts an automatic enrollment program for CARE, and addresses other issues related to the Commission's low-income assistance programs.
(Comr Wood - ALJ Gottstein)
(Agenda 3090, Item 6 6/27/2002)
07/16/2002 - This revision was not shown on the Agenda mailed to the public.
Outcome Signed
[D02-07-033](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- H-12
740** **I99-04-023 - Investigation into Accutel Communications, Inc., d.b.a. Florida Accutel Communications, Inc. (Accutel).**
This decision finds that Accutel has violated Public Utilities Code §§ 451, 2890, and 2889.5. Based on the totality of the circumstances, Accutel is ordered to pay a fine of \$1,520,000 of which \$760,000 is suspended to the State's General Fund. This proceeding is closed.
(Comr Brown - ALJ DeUlloa)
(Agenda 3090, Item 17 6/27/2002)
Outcome Signed
[D02-07-034](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
-

- H-13 (Rev.) 781 I _____ - Order Instituting Investigation of Pacific Gas and Electric Company to Issue, Sell and Deliver Common Stock and One or More Series of Its First and Refunding Mortgage Bonds, Debentures, Subordinated Deferrable Interest Debentures, Promissory Notes and/or Other Evidences of Indebtedness in Connection with A Confirmed Plan of Reorganization Under Chapter 11 of the Bankruptcy Code; Enter into One or More Interest Rate Caps, Collars and Swaps; an Exemption from the Competitive Bidding Rule.**

(Comr Peevey - Exam Clanon)

(Agenda 3090, Item 10 6/27/2002)

07/15/2002 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[I02-07-015](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

- H-14 792 R00-10-002 - Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs and the reliability of the electric system.**

This decision authorizes limited changes to the demand bidding program (DBP). The changes transition DBP to a reliability program. As revised, requests and bids will not be limited to three four-hour blocks, the program may be operated on a day-ahead or day-of basis, the price is fixed at \$0.35/kWh, utilities will evaluate offers, utilities will make payments based on performance, and program expenses may be tracked in the interruptible program memorandum account. The annual program total cost cap for Southern California Edison Company is increased by \$10 million. Utilities shall file advise letters and tariffs within five days of the date of this order, and the advice letters and tariffs shall become effective five days thereafter unless suspended by the Energy Division Director. The proceeding remains open.

(Comr Wood - ALJ Mattson)

(Agenda 3090, Item 14 6/27/2002)

Outcome Signed

[D02-07-035](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Orders**3 A98-07-003 - Pacific Gas and Electric Company (PG&E).****729**

For verification, consolidation and approval of costs and revenues in the Transition Revenue Account. In D99-06-058 the Commission ordered an audit of the Power Exchange energy credits (PX credits) of Southern California Edison Company, PG&E, and San Diego Gas & Electric Company. An audit was deemed necessary to insure that the PX credit on a direct access customer's bill was accurate. No termination date was set, but we provided for its eventual termination, should circumstances change. This decision grants the three utilities' petition to terminate the audit at the end of 2000. The PX credit ended when the PX suspended operations in January 2001. There is no purpose in continuing the audit. This proceeding is closed.

(Comr Wood - ALJ Barnett)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

4 A01-06-029 - Wild Goose Storage , Inc. (Wild Goose).**777**

This decision certifies the Environmental Impact Report (EIR) for the proposed Wild Goose gas storage expansion project, amends Wild Goose's certificate of public convenience and necessity to authorize construction and operation of the project, and authorizes market-based rates for expansion storage services. These approvals are conditioned upon the mitigations in the EIR and upon application of the Commission's 1997 Affiliates Transactions Rules to Wild Goose and compliance with other enumerated reporting requirements, to permit the Commission to monitor market power and other developments in the evolving marketplace. Decision concludes that the Gas Storage Rules require that "as-available" transportation capacity should be allocated among all customers, on a pro rata basis, if capacity constraints should prevent full service to all storage and transportation customers but that there is no need at this time to open a Phase III of this proceeding to further examine the need for expansion of PG&E's "backbone" transmission capacity or the cost allocation of such an expansion.

(Comr Lynch - ALJ Veith)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Duque, Peevey)

Abstain: (none)

Absent: (none)

4a **ALTERNATE TO ITEM 777****821**

This decision certifies the Environmental Impact Report for the proposed Wild Goose gas storage expansion project, amends Wild Goose Storage, Inc.'s (Wild Goose) certificate of public convenience and necessity to authorize construction and operation of the project, and authorizes market-based rates for expansion storage services. These approvals are subject to a number of conditions as detailed in the decision. This alternate differs from the proposed decision primarily in the applicability of the Affiliate Transactions Rules to Wild Goose.

(Comr Peevey)

Outcome Signed (Comr. Wood reserves the right to file a dissent. Comr. Lynch reserves the right to join in Comr. Wood's dissent. Comr. Brown reserves the right to file a concurrence.)

D02-07-036

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

5
840

R_____ - Order Instituting Rulemaking to examine whether the Commission's regulations regarding prearrangement of transportation by charter-party carriers should be revised.

This proceeding is opened to consider revisions to the Commission's regulations regarding prearrangement of transportation by charter-party carriers. Among other things, the Commission seeks to ensure that carriers do not unlawfully conduct taxicab or taxicab-like operations under their Commission-issued licenses.

(Comr Duque)

Outcome Held (8/8/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**6
841 R02-06-041 - Order instituting rulemaking to require California Natural Gas and Electric Utilities to preserve interstate pipeline capacity to California.**

Decision in Phase I sets forth two rules to ensure that California retains sufficient interstate pipeline capacity to meet the needs of its natural gas and electric consumers. The first rule requires California's natural gas and largest electric utilities to sign-up for turned-back capacity at El Paso delivery points by July 31, 2002, and the second rule pre-approves and finds just and reasonable the utilities subscription to the turned-back capacity. Pursuant to Rule 77.7(f)(9), the Commission determines that public necessity requires waiver of the review and comment period because the turned-back capacity may be permanently lost by July 31, 2002, and not available for subscription by the California utilities.

(Comr Lynch - ALJ Brown)

Outcome Signed (Comr. Peevey will file a dissent)

D02-07-037

Yes: (Brown, Lynch, Wood)

No: (Duque, Peevey)

Abstain: (none)

Absent: (none)

**6a
853 ALTERNATE TO ITEM 841**

This alternate decision in phase I sets policies and rules for California's natural gas and largest electric utilities to sign-up for turned-back capacity at on the El Paso interstate pipeline by July 31, 2002. The decision also sets cost recovery parameters for utilities signing up for the capacity. Pursuant to Rule 77.7(f)(9), the Commission determines that public necessity requires waiver of the review and comment period because the turned-back capacity will be made availability for subscription on July 31, 2002.

(Comr Peevey)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

7
843

A01-06-039 - Application of San Diego Gas & Electric Company (SDG&E) for approval of servicing agreement between the State of California Department of Water Resources (DWR) and SDG&E.

This decision resolves the June 21, 2002 petition of SDG&E to modify D01-09-013. In the petition, SDG&E seeks Commission approval of an amendment ("Amendment No.1") to the "First Amended and Restated Servicing Agreement" between DWR and SDG&E. The purposes of the latest amendment are to provide a separate line item on the Consolidated Utility Bill for Bond Charges and to implement the 2002 "20/20" program as ordered by the Commission in Resolution E-3770. This proceeding is closed. This item was listed on the June 27, 2002 Agenda as Item 15 and was continued to the July 11, 2002 Continuation Meeting. If this item is acted upon on at the July 11, 2002 Continuation Meeting, it will be removed from this agenda.

(Comr Lynch - ALJ Wetzell)

Outcome Signed

[D02-07-038](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

8
844

A01-06-044 - Application of Southern California Edison Company (SCE) for approval of servicing agreement between the State of California Department of Water Resources (DWR) and SCE.

This decision resolves the June 21, 2002 petition of SCE to modify D01-09-014. In the petition, SCE seeks Commission approval of an amendment ("Amendment No. 1") to the "First Amended and Restated Servicing Agreement" between DWR and SCE. The purposes of the latest amendment are to provide a separate line item on the Consolidated Utility Bill for Bond Charges and to implement the 2002 "20/20" program as ordered by the Commission in Resolution E-3770. This proceeding is closed. This item was listed on the June 27, 2002 Agenda as Item 16 and was continued to the July 11, 2002 Continuation Meeting. If this item is acted upon on at the July 11, 2002 Continuation Meeting, it will be removed from this agenda.

(Comr Lynch - ALJ Wetzell)

Outcome Signed

[D02-07-039](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**9
852 R01-08-028 - Order Instituting Rulemaking to Examine the Commission's Future Energy Efficiency Policies, Administration and Programs.**

This decision approves transfer of unused statewide energy efficiency Public Goods Charge funds for 2002 from the California Department of Consumer Affairs/Flex Your Power campaign to another provider. In all cases, the substance of the program will remain the same as that funded in D02-03-056: A Flex Your Power media campaign designed to promote energy efficiency in California.

(Comr Lynch - ALJ Thomas)

Outcome Signed

[D02-07-040](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**10 (Rev.)
765 A01-08-020 - Southern California Water Company (SCWC).**

For authority to increase rates for electric service in the Bear Valley Electric Customer Service Area (BVECSA). This decision grants the joint motion of SCWC, the Office of Ratepayer Advocates, and Bear Mountain Inc., to adopt a Settlement Agreement. The Settlement Agreement provides for a 38% increase in electric rates for SCWC's BVECSA. This proceeding is closed.

(Comr Brown - ALJ DeBerry)

07/10/2002 - This item appeared as (CA-11) on the agenda distributed to the public.

Outcome Signed (Comr. Lynch will file a dissent)

D02-07-041

Yes: (Brown, Duque, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

**11 (Rev.)
833 (ECP) C02-03-024 - Priscilla A. Ferreri (Complainant) vs. Verizon California, Inc.**

Complainant seeks cancellation of telephone toll charges on the ground that the calls were not made from her computer to access the internet. Held: the toll calls were not made by complainant nor did she authorize the use of the toll number. The \$218.04 in toll charges is cancelled, and money on deposit with the Commission is disbursed to complainant. This proceeding is closed.

(Comr Peevey - ALJ Barnett)

07/10/2002 - This item appeared as (CA-33) on the agenda distributed to the public.

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**12 (Rev.) A02-06-029 - Western Integrated Networks of California Operating LLC (WINCO) and
816 SureWest TeleVideo (SureWest).**

By this decision, the application of WINCO and SureWest for approval of SureWest's acquisition of the assets, certificates of public convenience and necessity, and customer base of WINCO is granted.

This proceeding is closed.

(Comr Duque - ALJ O'Donnell)

07/16/2002 - This item appeared as (CA-22) on the agenda distributed to the public.

Outcome Signed

[D02-07-042](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res E-3781 - San Diego Gas & Electric (SDG&E).**

794 This resolution denies without prejudice SDG&E's proposal to return \$168 million overcollected in the Transition Cost Balancing Account (TCBA) as of March 31, 2002 to AB X1 43 customers.
(Advice Letter 1405-E filed May 10, 2002)

Outcome Held (8/8/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-1a ALTERNATE TO ITEM 794

842 Urgent request to return \$168 million overcollected in the transition cost balancing account to San Diego Gas & Electric Company (SDG&E) customers. Approximately \$52 million of the overcollection will be credited towards the Assembly Bill (AB) 265 undercollection while the remainder of the balance will be returned to large customers.
(Advice Letter 1405-E filed on May 10, 2002)

(Comr Peevey)

Outcome Held (8/8/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Rail Safety and Carrier Division Reports and Resolutions**T-1 Res SX-41**

701 Resolution authorizing adoption of Guidelines for the use of Four Quadrant Gates in connection with the installation of four quadrant gate systems at highway-rail grade crossings. (Exam Clark) (Agenda 3064, Item CA-29, 5/24/01; Agenda 3067, Item T-1 7/12/01)
(Agenda 3089, Item T-1 6/6/2002; Agenda 3090, Item T-1 6/27/2002)

Outcome Held (8/8/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

T-2 SX-49

791 This resolution authorizes the deviation from General Order No. 75-C, Section 7.8, allowing the Union Pacific Railroad Company to retain the use of 20-inch backgrounds installed on its railroad crossing warning devices currently in operation.

Outcome Held (8/8/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Legislative Matters***Items Held Over*****HLEG-1 SB 1519 (Bowen).****543**

DWR, renewable power, retail consumer bypass. Request for Commission position.

(Agenda 3087, Item LEG-10 5/2/2002; Agenda 3090, Item HLEG-2 6/27/2002)

Outcome Approved-Staff Recommendation (Support the bill. Interested Comrs. to work with DWR and authors of the bill.)

Yes: (Brown, Lynch, Peevey, Wood)

No: (Duque)

Abstain: (none)

Absent: (none)

HLEG-2 AB 117 (Migden).**606**

Community aggregation. Request for Commission position.

(Agenda 3088, Item LEG-1 5/16/2002; Agenda 3090, Item HLEG-1 6/27/2002)

Outcome Approved-Staff Recommendation (Oppose the bill unless amended.)

Yes: (Brown, Duque, Lynch, Wood)

No: (Peevey)

Abstain: (none)

Absent: (none)

Items**LEG-1
845****AB 1769 (Leslie)**

Advertising: unsolicited cellular telephone and pager text messages.

Request for Commission position.

Outcome Approved-Staff Recommendation (Support the bill)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-2
846****SB 1311 (Kuehl)**

Commercial mobile radio service: public safety agencies.

Request for Commission position.

Outcome Approved-Staff Recommendation (Support the bill)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports**CR-1****758****Commissioner's Reports.**

Miscellaneous Commissioners' reports.

Outcome Information Only (Appointing Comr. Wood to Joint Standards Committee; Appointing Comr. Duque as a liaison with DDTP)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CR-2**664****Commissioner Brown and Commissioner Peevey Report.**

Commission Policies and Guidelines pursuant to Public Utilities Code Section 305, including: Public Agenda, decision document notation, access to and distribution of documents and reports.

(Agenda 3089, Item CR-2 6/6/2002; Agenda 3090, Item CR-2 6/27/2002)

Outcome Approved as Modified (Item 3, as modified, voted 4-1 (Comr Wood dissented); Item 4 - 5-0; Item 5 - 4-1 (Comr. Lynch dissented); Item 6 - 5-0; Item 7 - held to 8/8/02; Item 8, as amended, - 5-0; Items 9 & 10 - held to 8/8/02; Item 11, as modified, - 5-0.)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CR-3**795****Commissioner Brown and Commissioner Peevey Report**

A00-10-045 & A01-01-044 - San Diego Gas & Electric Company. Discussion of, and action on, procedural aspects of the proposed settlement of SDG&E v. Loretta Lynch, et al., U.S. District Court (S.D. Cal.), Case No. 02CV 339 BTM (JAH), a copy of which has been provided to the parties in this proceeding.

(Agenda 3090, Item CR-3 6/27/2002)

Outcome Held (8/8/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports

M-1 **Management Reports.**
759 Miscellaneous Management Reports.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

M-2 **General Counsels' Report**

847 Possible Addendum/Changes to Summary of Material Terms for Department of Water Resources' bond transaction.

**Outcome Approved-Staff Recommendation (General Counsel is authorized to
certificate documents produced pursuant to Summary of Material Terms
as amended and supplemented by Addendum thereof, of the Rate
Agreement.)**

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders Held Over

HEX-1

C99-01-039 - Conference with Legal Counsel-Application for Rehearing

172

Disposition of the Application for Rehearing filed by Greenlining Institute and Latino Issues Forum of D01-04-037, which denied a complaint regarding tariffing and billing for commercial customers for voicemail services.

(Agenda 3067, Item EX-7, 7/12/01; Agenda 3073, Item HEX-1, 10/10/01)

(Agenda 3087, Item HEX-1 5/2/2002; Agenda 3090, Item HEX-1 6/27/2002)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

HEX-2

I99-07-003 - Conference with Legal Counsel – Applications for Rehearing

361

Disposition of Application for Rehearing of D01-12-018 filed by the Southern California Generation Coalition, The Utility Reform Network and the Department of General Services. The decision adopted the Comprehensive Gas Settlement for the market and regulatory framework for Southern California Gas Company and San Diego Gas & Electric Company.

(Agenda 3085, Item EX-5 4/4/2002; Agenda 3089, Item HEX-4 6/6/2002)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**HEX-3
431****I99-04-020, A99-09-038 - Conference with Legal Counsel - Application for Rehearing**

Disposition of Application for Rehearing of D01-09-017 filed by Vista Group International, Inc. (Vista). In D01-09-017, the Commission found that Vista's telemarketers violated Public Utilities Code Section 2889.5, and that the acts of the telemarketers should be imputed to Vista. The Commission imposed a fine of \$7.0 million on Vista pursuant to Public Utilities Code Sections 2107 and 2108 and required Vista to complete its restitution process by providing \$20 per business line to customers identified in the proceeding whose disputes Vista had not addressed.
(Agenda 3086, Item EX-5 4/22/2002; Agenda 3089, Item HEX-3 6/6/2002)

Outcome Held (8/22/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**HEX-4
651****I01-04-002 - Conference with Legal Counsel - Applications for Rehearing.**

A87-05-007, A94-11-013, A95-10-024, A96-10-038 - Related matters. Disposition of the applications for rehearing of interim opinion, D02-01-039, filed by Edison International; PG&E Corporation; Pacific Gas and Electric Company; Southern California Edison Company; and a joint application by Sempra Energy and San Diego Gas & Electric Company. The interim decision provides an initial interpretation of the "first priority" condition in the holding company systems of the utilities and their respective holding companies.

(Agenda 3089, Item EX-5 6/6/2002; Agenda 3090, Item HEX-2 6/27/2002)

Outcome Signed

D02-07-043

Yes: (Brown, Duque, Lynch, Wood)

No: (none)

Abstain: (Peevey)

Absent: (none)

**HEX-5
662****I01-04-002 - Conference with Legal Counsel - Application for Rehearing.**

A87-05-007, A94-11-013, A95-10-024, A96-10-038 - Related matters. Disposition of application for rehearing of D02-01-037 filed by PG&E Corporation, Edison International, and San Diego Gas and Electric Company and Sempra Energy jointly. D02-01-037 concludes that the Commission has continuing jurisdiction over the holding companies enabling it to enforce the conditions imposed on the formation of the holding companies in Commission proceedings.

(Agenda 3089, Item EX-8 6/6/2002; Agenda 3090, Item HEX-3 6/27/2002)

Outcome Signed

D02-07-044

Yes: (Brown, Duque, Lynch, Wood)

No: (none)

Abstain: (Peevey)

Absent: (none)

Orders**EX-6
829****I02-05-001 - Conference with Legal Counsel - Application for Rehearing.**

Disposition of Application for Rehearing of I02-05-001, filed by NOS Communications, Inc. NOS, Affinity Network, Inc. ANI, and corporate officers of NOS or ANI (collectively) The Commission issued the formal investigation to determine whether the Applicants have been and/or are engaging in deceptive marketing, slamming and cramming.

Outcome Signed

D02-07-045

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)